

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/21/2024

November

BY ECF

The Honorable Analisa Torres
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Graves v. Combs et al.*, 24-cv-07201

Dear Judge Torres:

The undersigned represent Plaintiff Thalia Graves (“Plaintiff”) and Defendants Sean Combs, Daddy’s House Recordings, Inc., CE OpCo, LLC d/b/a Combs Global f/k/a Combs Enterprises LLC, Bad Boy Entertainment Holdings, Inc., Bad Boy Productions Holdings, Inc., Bad Boy Books Holdings, Inc., Bad Boy Entertainment LLC, Bad Boy Records LLC, and Bad Boy Productions LLC (together, the “Combs Defendants”) in the above-referenced case. We write in part, jointly on behalf of the undersigned, and in part (as delineated below), on behalf of Plaintiff alone, pursuant to Rule I(c) of Your Honor’s Individual Practices in Civil Cases and the Court’s September 26, 2024 Order (ECF No. 28) to: (1) advise the Court that the Parties do not consent to conduct proceedings before a Magistrate Judge; (2) update the Court on the Parties’ agreement with respect to service and time to respond; and (3) respectfully request that the Court adjourn the November 22, 2024 deadline to submit a joint letter and a jointly proposed Case Management Plan and Scheduling Order, ECF No. 26. Separately, Plaintiff also provides an update on service overall.

The Parties’ Joint Update

First, counsel for the Combs Defendants and counsel for Plaintiff have conferred and do not consent to conduct all further proceedings before a Magistrate Judge.

Second, counsel for the Combs Defendants and counsel for Plaintiff have conferred and reached agreement pursuant to which counsel for the Combs Defendants agreed to accept service of the Summons and Complaint on behalf of the Combs Defendants, and Plaintiff’s counsel agreed that the Combs Defendants shall have until January 16, 2025, to answer or otherwise respond to the Complaint.

Third, because one of the Defendants has not yet been served (see the Plaintiff’s portion of the letter below) and none of the Defendants are expected to have responded to the Complaint by the forthcoming November 22, 2024 deadline, the undersigned counsel jointly respectfully request an adjournment of that deadline. We anticipate that, in lieu of answering, the Combs Defendants will file pre-motion letters regarding anticipated motions to dismiss the Complaint, and that consistent with Rule III(A) of Your Honor’s

Individual Practices in Civil Cases or as otherwise agreed upon by the parties and subject to approval of the Court, Plaintiff will then have an opportunity to file responsive letters.

Plaintiff's Update on Service to Remaining Defendant Sherman

Plaintiff's counsel writes separately to inform the Court that we have been attempting to effect service on Defendant Joseph Sherman for some weeks to no avail. In the meantime, Mr. Sherman's attorney Darnell Crosland filed a notice of appearance in this action on November 2, 2024 and separately commenced a new action, filed on November 7, 2024, in what we have notified him pursuant to Fed. R. Civ. P. 11 to be a baseless and frivolous lawsuit against Plaintiff and all of her individual attorneys along with their two law firms. *See Sherman v. Graves et al.*, 24 Civ. 8494 (S.D.N.Y.) (GHW). In light of Mr. Crosland's appearance on the docket in this action and recently filed action against Plaintiff and her attorneys before this same Court, we emailed Mr. Crosland on November 14, 2024 asking him to confirm that he will accept service of the summons and complaint on Sherman's behalf, and sent along the Court's Initial Pretrial Scheduling Order. He has not responded.

The Parties' Joint Request

Accordingly, the undersigned respectfully request that the Court's November 22, 2024 deadline to submit a joint letter and a jointly proposed Case Management Plan and Scheduling Order be adjourned *sine die* pending the Court's receipt and review of forthcoming pre-motion letter(s) and responses to same. This adjournment would also permit the Court to consider setting global deadlines for briefing by multiple Defendants.

This is the first request for an adjournment of this deadline.

DENIED. By **December 13, 2024**, the parties shall submit a joint letter, a jointly proposed case management plan, and a scheduling order in accordance with the Court's order at ECF No. 26.

SO ORDERED.

Dated: November 21, 2024
New York, New York



ANALISA TORRES
United States District Judge